

**REMARKS**

Claims 32-98 were pending in the application when the Office Action dated June 13, 2008 was issued. Claims 32-37, 40-45, 49, 63, 65, 78, 79, 91, and 93 have been amended. Claims 53-62, 68-77, 82-90, 92, and 94-98 have been withdrawn. In addition, claim 76 has been amended to correct a grammatical error and claims 97 and 98 have been renumbered as 96 and 97, respectively. Claims 80 and 81 have been cancelled. Claims 32-37, 40, 43, 45, 49, 63, 65, 78, 79, 91, and 93 have been amended to recite the elected sequences (see response to restriction below). Claims 41, 42, and 44 have been amended to reflect proper antecedent basis. Applicant submits that no impermissible new matter has been introduced by way of these claim amendments. Upon entry of this amendment, claims 32-52, 63-67, 78, 79, 91, and 93 will be pending in the application.

**I. Response to Restriction Requirement**

In response to the restriction requirement set forth in the Office Action dated June 13, 2008, Applicants hereby elect Group IV (claims 63-67, 78, and 79) and as required by the Examiner, further elect SEQ ID NO: 3 and SEQ ID NO: 10 with traverse. SEQ ID NOS: 19-22 represent eiRNA sequences that map within SEQ ID NO: 3, and SEQ ID NO: 18 represents an eiRNA sequence that maps within SEQ ID NO: 10. *See* specification at page 15, lines 22-25. Therefore, it would be appropriate to examine SEQ ID NOS: 18-22 with the elected sequences of SEQ ID NO: 3 and 10 because these sequences map within the elected sequences. Accordingly, claims 32-44 and 91 corresponding to Group I should also be examined. In addition, SEQ ID NOS: 54-58 represent the first 21 nucleotides of SEQ ID NOS: 18-22, respectively. *See* specification at page 16, lines 12-13. Thus, claims 45-52 (Group II) and claim 93 should also be examined with the elected invention.

In summary, Applicants elect Group IV and SEQ ID NO: 3 and SEQ ID NO: 10. Because SEQ ID NOS: 18-22 and 54-58 share substantial sequence identity to the two elected sequences, Applicants request that these sequences also be examined. Therefore, the claims corresponding to the election include claims 32-52, 63-67, 78, 79, 91, and 93. Applicants reserve the right to request rejoinder of process claims that depend from or otherwise require all the limitations of allowable product claims, and claims to additional sequences which share

substantial sequence identity to the examined sequences, as set forth in the Office Action. Applicants, of course, reserve the right to file a divisional application covering the subject matter of the non-elected claims.

## CONCLUSION

This reply is fully responsive to the Office Action dated June 13, 2008. Therefore, prompt and favorable examination of the elected invention is respectfully requested.

Except for issue fees payable under 37 CFR §1.18, the commissioner is hereby authorized by this paper to charge any additional fees during the pendency of this application including fees due under 37 CFR §1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-1283. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 CFR §1.136(a)(3).

If the Examiner has any further questions relating to this Reply or to the application in general, he is respectfully requested to contact the undersigned by telephone so that allowance of the present application may be expedited.

Dated: December 12, 2008

Cooley Godward Kronish LLP  
ATTN: Patent Group  
777 6<sup>th</sup> Street, NW, Suite 1100  
Washington, DC 20001  
Tel: (202) 842-7859  
Fax: (202) 842-7899

Respectfully submitted,  
**COOLEY GODWARD KRONISH LLP**

By:

  
Angela L. Purcell  
Reg. No. 60,642